

**IN THE UNITED STATES BANKRUPTCY COURT  
FOR THE WESTERN DISTRICT OF TEXAS  
AUSTIN DIVISION**

In re:

ORLY GENDER,  
(Debtor)

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§  
§  
§

Case No. 19-10926-TMD  
Chapter 7

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**EXPEDITED MOTION TO WITHDRAW AS COUNSEL AND  
FOR STAY OF PENDING DEADLINES**

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TO THE HONORABLE TONY M. DAVIS, UNITED STATES BANKRUPTCY JUDGE:

Eric J. Taube and Waller Lansden Dortch & Davis, LLP ("Movants") file this their Expedited Motion to Withdraw as Counsel and for Stay of Pending Deadlines and would respectfully show as follow:

1. This Chapter 7 bankruptcy case was initiated by the filing of a petition for relief on behalf of Orly Genger ("Debtor") on July 12, 2019. Movants filed the voluntary petition on behalf of Debtor and have appeared as her counsel in the main bankruptcy case since the initial filing date.

2. On November 5, 2019, after conducting a hearing on a Motion to Transfer Venue filed by filed by Sagi Genger (Doc #32), this Court orally announced its intention to enter an order that transferred the venue of the above referenced case, and various adversary proceedings filed in connection with this case, to the United States Bankruptcy Court for the Southern District of Texas.

3. Mr. Taube, who has functioned as the primary counsel for Debtor in connection with this case is not admitted to practice law in the State of New York nor in the United States District Court for the Southern District of New York, and as a consequence is unable to appear on behalf of Debtor in connection with that matter. Moreover, given the location of the Court and the

nature of this bankruptcy proceeding, it is impractical for him to appear in the court to where this action is to be transferred.

4. Rule 1.15 of the Texas Disciplinary Rules provides that a lawyer shall withdraw if:
  - (1) the representation will result in violation of Rule 3.08, other applicable rules of professional conduct or other law;

Movants believe and assert that continued representation of Debtor in a case where counsel is not licensed would result in the violation of the rules of professional conduct and applicable law.

5. Various deadlines and matters are currently before this Court for consideration, which upon transfer of venue, will be pending before the United States Bankruptcy Court for the Southern District of New York. Additionally, and although Movants have not been specifically retained with respect to adversary proceedings that have been initiated by alleged creditors, at least one such adversary proceeding has been recently served and will require an answer to be filed by Debtor. These matters are at least the following:

- A. Judgment Creditor Sagi Genger's Motion to Dismiss Bankruptcy Case (Doc #32) - no answer deadline currently exists because none has been set by the Court and such motion did not include language under Local Rule 9014.
- B. Objection to Exemptions (Doc #27) filed by Ron Satija, Trustee (stipulation/order that response is not due until after hearing on Motion to Approve Compromise).
- C. Objection to Exemptions filed by D&K GP, LLC (Doc #131).
- D. Joinder to Objection to Exemptions filed by Sagi Genger (Doc #132).
- E. Adversary Proceeding - Michael Oldner, as Trustee for the Orly Genger 1993 Trust v. Orly Genger - Adv. #19-01075.
- F. Adversary Proceeding - Sagi Genger v. Orly Genger, Adv. #19-01066 (not served).
- G. Adversary Proceeding - Dalia Genger, D& K GP, LLC v. Orly Genger, Adv. #19-01067 (not served).

6. As a consequence of the transfer of venue, a new Chapter 7 trustee will be appointed in this case and the pending matters will be delayed based upon the Chapter 7 trustee's need to obtain counsel and review the matters that are currently pending. Additionally, the docket of the

Bankruptcy Court in the Southern District of New York will need to be consulted for scheduling purposes. Movants request that this Court extend the deadlines for responses to all matters, including the adversary proceedings that have been filed but not served, until the later of the response date required by the Bankruptcy Rules or December 16, 2019, to allow Debtor adequate time to find counsel to represent her in this case and in the related adversary proceedings. Such request is not for the purpose of delay but to allow the matters to be addressed in the Bankruptcy Court for the Southern District of New York by counsel that may be retained to appear in such court.

Movants respectfully request that this Court approve the withdrawal of counsel for the reasons stated and that the extension of the deadlines be granted as requested herein.

Respectfully submitted,

WALLER LANSDEN DORTCH & DAVIS, LLP

By: /s/ Eric J. Taube

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COUNSEL FOR DEBTOR

**CERTIFICATE OF SERVICE**

I hereby certify that, on November 7, 2019 a true and correct copy of the foregoing was served on all parties receiving the Court's ECF e-mail notification, including counsel listed below and parties listed on the attached Service List:

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*Chapter 7 Trustee*

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*Proposed Counsel for Chapter 7 Trustee*

/s/ Eric J. Taube  
Eric Taube

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